

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DANIEL J. O' CALLAGHAN, :
:

Plaintiff, :
:

v. ::

HON. PETER C. HARVEY, in past : Civil Action No. 03-4419 (JWB)
or present official capacity
as Attorney General of the :
State of New Jersey;

HON. ARIEL A. RODRIGUEZ, in individual and past or present official capacity as Justice of the Appellate Division of the State of New Jersey;

ORDER

HON. DAVID B. RAND, in
individual and past or present:
official capacity as Justice
of the Superior Court of :
New Jersey, Chancery Division,
Family part: :

EINHORN, HARRIS, ASCHER,
BARBARITO, FROST & IRONSON,
P.C.; and
SHARON RYAN MONTGOMERY,

Defendants. : :

In the wake of this Court's Opinion and Order dated March 10, 2005, the plaintiff has filed three motions: (1.) recusal of the undersigned as the trial judge; (2.) reconsideration of the motions adjudicated on March 10, 2005, and (3.) certification of the Court's interlocutory decisions on that date for immediate appeal to the United States Court of Appeals for the Third Circuit under 28 U.S.C. § 1292(b). For the reasons well stated in the Letter-Opinion and Order of the Honorable Katharine S.

Hayden of this Court, a copy of which is annexed hereto, the motion for recusal is DENIED. The motion for § 1292(b) certification is also DENIED because the criteria of that statute are not met at this time in the case at bar. However, the motion for reconsideration is GRANTED in part solely on the question of the impact (if any) of the U.S. Supreme Court's decision in Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. ___, 125 S. Ct. 1517 (2005), upon this Court's decision of March 10, 2005, in light of the latter's substantial reliance upon the Rooker-Feldman doctrine in granting the State Defendants' motion to dismiss. As to any other ground asserted in the motion for reconsideration, that motion is DENIED. Upon entry of this Order, and in light of the undersigned's impending retirement effective September 1, 2005, the Clerk of this Court shall reassign this action to another District Judge in this Court who shall schedule further proceedings on the motion for reconsideration as that Judge finds to be appropriate. Unless and until the newly-assigned Judge orders otherwise, this Court's Opinion and Order of March 10, 2005 remain in full force and effect.

/s/ John W. Bissell
JOHN W. BISSELL
Chief Judge
United States District Court

DATED: August 30, 2005